

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 1:23-cr-00061-MN
)	
ROBERT HUNTER BIDEN,)	
)	
Defendant.)	
)	

**DEFENDANT’S RESPONSE TO SPECIAL COUNSEL’S
MOTION TO DISMISS THE INFORMATION**

Defendant Robert Hunter Biden submits this response to the motion filed (D.E. 52) by the Office of the Special Counsel to dismiss the Information in this matter by noting his disagreement with much that the Special Counsel asserts in its motion. Most notably, Mr. Biden maintains that the “stand alone,” “bilateral” (July 26, 2023 Hr’g Tr. at 41:13, 46:10) Diversion Agreement (D.E. 24-1 in No. 23-cr-00061-MN) that both parties signed remains in force, and he will seek to dismiss the Indictment against him pursuant to the immunity provisions of that Agreement. The only charge that the Special Counsel was permitted to bring under the Diversion Agreement is the charge in the Information. If the Special Counsel no longer wishes to pursue that charge, it has the right to do that. Further, Defendant’s position is that the enforceability of the Diversion Agreement has no bearing on the Special Counsel’s Motion to Dismiss, and any disputes regarding the effect and enforceability of the Diversion Agreement are not before the Court at this time.

Dated: October 5, 2023

Respectfully submitted,

WINSTON & STRAWN LLP

/s/ Abbe David Lowell

Abbe David Lowell
1901 L Street NW
Washington, D.C. 20036
Tel.: (202) 282-5000
AbbeLowellPublicOutreach@winston.com

BERGER HARRIS LLP

Richard I. G. Jones, Jr. (#3301)
1105 N. Market Street, Suite 1100
Wilmington, Delaware 19801
Tel.: (302) 655-1140
rjones@bergerharris.com

Attorneys for Defendant Robert Hunter Biden